

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re: CIRCUIT CITY STORES, INC. et al.,  
Debtors.

Case No. 08-35653-KRH  
Chapter 11  
Jointly Administered

**ORDER GRANTING MOTION TO ENFORCE TERMS OF CONFIRMED PLAN  
AND FOR PROTECTION FROM FOREIGN SUBPOENA DUCES TECUM**

This matter comes before the Court on the Motion (the “Motion”) of the Circuit City Stores, Inc. Liquidating Trust (the “Trust”) to Enforce Terms of Confirmed Plan, for Protection from Foreign Subpoena Duces Tecum, and for Order to Show Cause as to Why Toshiba Should Not be Held in Contempt (ECF No. 13920). By the Motion, the Trust seeks an order (1) enforcing the Confirmation Order and Plan to bar Toshiba from further attempts to commandeer the Trust’s resources, via the Subpoena or otherwise; (2) requiring Toshiba to show cause why it should not be sanctioned for violation of the Confirmation Order and Plan, in order to reimburse the Trust and its beneficiaries for the amounts spent to address the Subpoena; and (3) granting such other or further relief as may be necessary or appropriate.

The Court (a) having reviewed the Motion and the Opposition (the “Opposition”) filed by Toshiba Corporation and Toshiba America Electronic Components, Inc. (ECF No. 13927) and (b) having heard the statements of counsel regarding the relief requested in the Motion and the Opposition thereto at a hearing before the Court on August 17, 2016 (the “Hearing”); the Court finding that (1) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (2) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (3) notice of the Motion and the Hearing was proper and adequate under the circumstances and no other or further notice

is necessary; and (4) upon the record herein after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein, therefore,

**IT IS HEREBY ORDERED** that

1. The Motion to Enforce Terms of Confirmed Plan and for Protection from Foreign Subpoena Duces Tecum, is **GRANTED**.
2. All capitalized terms not otherwise defined herein shall have the meaning given to them in the Motion.
3. Pursuant to the terms of the Confirmation Order and Plan, and as enforced by this Order, Toshiba is barred from any and all past, present and/or future attempts to commandeer the Trust's resources, via the Subpoena or otherwise.
4. The Trust shall serve a copy of this Order upon counsel for Toshiba as identified in its Opposition on or before five (5) business days from the entry of this Order.
5. The Motion for Order to Show Cause as to Why Toshiba Should Not be Held in Contempt is **DENIED**, without prejudice.
6. This Court retains jurisdiction with respect to all matters arising from or related to this Order, including but not limited to the entry of show cause order(s) to address any contempt issues related to the Confirmation Order, the Plan, the Motion, the Subpoena and/or this Order.

Entered: Sep 6 2016

/s/ Kevin R. Huennekens  
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: Sep 6 2016